S.B.CR MISC. BAIL APPLICATION NO.3702/2006

Date : 29.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vineet Jain for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that other co-accused though ladies have been granted bail by this Court in S.B. Criminal Misc. Bail Application No.2528/2006 vide order dated 18.08.2006. He submits that the place where incident alleged to have taken place is in ownership of the applicant and the complainant party were aggressor. He further submits that FIR was lodged prior in time by the applicant and the injuries on the person of injured are not such which may constitute offence under Section 309 IPC.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and looking to nature of injuries, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Purkha Ram son of Rewant Ram by I.O./S.H.O. in FIR No.16/2006 P.S. Jamsar, Bikaner, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.